

VZCZCXRO9044
PP RUEHDE RUEHDIR
DE RUEHKU #0048/01 0102018
ZNY SSSSS ZZH
P 102018Z JAN 08
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 0571
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY
RUEHYN/AMEMBASSY SANAA PRIORITY 0577
RHEHAAA/WHITE HOUSE WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUENAAA/SECNAV WASHINGTON DC PRIORITY

S E C R E T SECTION 01 OF 03 KUWAIT 000048

SIPDIS

SIPDIS

E.O. 12958: DECL: 2017
TAGS: [PREL](#) [PGOV](#) [KDRG](#) [PTER](#) [KU](#)
SUBJECT: GOK PROVIDES NEW ASSURANCE ON GTMO ON EVE OF POTUS VISIT

REF: A. KUWAIT 0012
[1](#)B. 2007 KUWAIT 1651

Classified By: CDA Misenheimer for reasons 1.4 b and d

Summary and Comment

[1](#)1. (S/NF) The Kuwaiti message in para 3, delivered to Embassy Kuwait after-hours on the evening before President Bush's January 11 arrival, is a last-second GOK attempt to define a positive basis for discussion of the GTMO detainee question. It constitutes both an official response to the U.S. demarche delivered 20 November 2007 (which expressed U.S. concern over GOK laxity, including international travel by at least one former detainee (ref b)), and also the "clarification" of GOK measures to monitor and control transferred GTMO detainees promised to CDA by MFA U/S Jarallah on 31 December (ref a). The President's impending visit galvanized GOK attention on this issue after a six-week delay; but we are also aware that recrimination and finger-pointing among security and intelligence authorities delayed final clearance of the text over the past week.

[1](#)2. (S/NF) While Kuwaiti leaders understand that POTUS will not (as an op-ed piece suggested this week without humor) be bringing the four remaining Kuwaitis from Guantanamo aboard Air Force One, it is certain that the Amir will ask POTUS to transfer them. He may assert that the President "promised" this to him in a previous meeting (as several senior GOK officials have repeated to us this week), and will certainly assert that the GOK has in place measures satisfying the U.S. requirement that transferred detainees not be permitted to become a threat. As a basis for that assertion, this Kuwaiti presentation falls short. Notably, it (a) promised, but does not provide, the requested update on all eight previously transferred detainees; and (b) fails to express any commitment to develop a program to re-educate and re-integrate GTMO detainees into society--as the Saudis and others in the region have done--despite having taken some tentative, initial steps in this direction.

[1](#)3. (S/NF) Some Kuwaiti commentators are calling for success/failure of the January 11-12 POTUS visit to be judged the degree of 'progress' concerning GTMO detainees. While this theme has limited resonance with the Kuwaiti public, many MPs sympathize with such a view. Accordingly, post recommends that the U.S. side (a) welcome this GOK message as a positive acknowledgment that Kuwait's own performance will be a key factor in any future transfer decision regarding the four Kuwaitis at GTMO; (b) stress the importance of both tighter control and improved transparency and information sharing on the eight previously transferred detainees (nb:

Kuwaiti intelligence authorities became aware of a former detainee's travel outside Kuwait weeks before admitting it to U.S. counterparts); (c) express expectation that the promised status report on previously transferred detainees will be shared soon, and will be followed by periodic updates; (d) urge the Kuwaitis to create an effective program to rehabilitate detainees and other terrorist sympathizers; and (e) encourage GOK public statements that emphasize U.S.-Kuwait CT cooperation, including on the GTMO issue, and that refrain from making GTMO a litmus test. End Summary and Comment.

¶4. (S/NF) Below is the text of the MFA dipnote with "clarifications" of the GOK policy regarding former GTMO detainees.

Begin text:

The Ministry of Foreign Affairs conveys its highest regards to Embassy of the United States and Kuwait and refers to the meeting between the Under Secretary and the Embassy's Charge d'Affaires on 20 November 2007, in which a paper from the Department of State was presented containing information on the presence of one of the former Kuwaiti detainees in Guantanamo, in addition to other inquiries regarding this subject.

The Ministry is pleased to append below a clarification on the afore-mentioned subject.

Complimentary opening.

KUWAIT 00000048 002 OF 003

Response of the Kuwaiti side
to the paper presented by the American Embassy on
20 November 2007

With reference to the paper presented on behalf of the U.S. State Department containing a request for information on the measures adopted by the Kuwaiti side toward the eight citizens released from Camp Guantanamo and subsequent measures adopted by the Kuwaiti government regarding them based upon the pledges made to the U.S. Government's delegation that visited Kuwait in March 2007, and the several queries contained in the aforementioned paper which characterized the measures taken toward those who were transferred as "regrettable" and insufficient. In the interest of furthering cooperation in this matter, the Ministry would point out the following explanations:

One. Regarding Saad Madhi Al-Azmi, who was reported by the Department of State as having left Kuwait and settled in Yemen:

Follow-up on the aforementioned subject was conveyed by the security authorities in a meeting with an American Liaison Officer, who was provided with private information on the subject as follows:

--In April 2007, an acquittal order was issued in the name of the aforementioned person in the case involving Guantanamo detainees (training and membership in terrorist groups abroad); and pursuant to the final judgment issued regarding him, the orders banning his travel were lifted. As a security procedure on the part of the Kuwaiti side, the above-person's name and information were added to the surveillance and monitoring list.

--More than one authority can take the decision to lift a travel ban (Ministry of Justice, Criminal Investigations Department, Kuwait State Security (KSS), the Department for the Implementation for Judicial Rulings). It is the right of each authority, according to its jurisdiction, to enter or remove any person's name from the travel ban list according to the laws pertaining to each (authority).

--In mid-July 2007, information came to light that the afore-mentioned person was in Yemen to visit his Yemeni wife.

It became known that he departed to the State of Qatar on 9 July, 2007 and he left from there to Yemen.

--In August 2007, KSS discussed that issue, and why he was there, with the U.S. Liaison Officer.

--No information was available to the Kuwaiti side indicating that Saad Madhi Al-Azmi wanted to meet terrorists inside or outside of the country. A follow-up of his local activities remains underway.

--The afore-mentioned subject came back to Kuwait from Yemen on 19 September 2007. Based upon a previous agreement, the afore-mentioned subject and the other individuals transferred from Guantanamo were entered into the daily surveillance list.

Two. Regarding the U.S. Government's concern about the heightened security threat that transferring the others could pose, and the Government of Kuwait's commitment to take the necessary security measures:

--We would like to state that the Government of Kuwait is committed to taking the necessary security measures to ensure security of the country for citizens and residents. According to previous meetings with U.S. Government representatives, the Government is committed to carrying out its commitment with regard to implementing security measures pertaining to those persons and maintaining security oversight over them.

Three. The U.S. Government's request to provide current whereabouts of the eight former detainees, including Saad Madhi Al-Azmi:

--We would like to state that the former detainees are presently in the country and we will provide you with a report on their status at a later time, noting that one of the former detainees, Nasser Najr Balod Al-Mutairi, died of pulmonary disease subsequent to his transfer.

Four. The U.S. Government's request for a description of the additional measures that Kuwait will take to mitigate:

1. The security threat the former eight detainees pose.
2. The additional threat posed when the other four detainees are transferred.

KUWAIT 00000048 003 OF 003

--The concerned Kuwaiti authorities will provide the U.S. security authorities through their representative at the U.S. Embassy with any information on the eight citizens.

--KSS will follow up on the activity of the four detainees who will be transferred to Kuwait. The intentions of those detainees can be assessed after their return to the country and follow up with them to ascertain any desire on their part to return to any suspicious activity in the future.

--Immediately upon receiving the four detainees who are now at Guantanamo Detention Camp, the investigative procedures and referral to the public prosecutor will begin, and they will be in custody for the duration of the trial. They will be entered into the travel ban list for the duration of the trial and the pronouncement of final legal judgments with regard to them.

--In case they are released, they will be subject to constant surveillance, the type and nature of which will vary as per the analysis and assessment of the officials in charge.

End Text.

For more reporting from Embassy Kuwait, visit:
[http://www.state.sgov.gov/p/nea/kuwait/?cable s](http://www.state.sgov.gov/p/nea/kuwait/?cable%20s)

Visit Kuwait's Classified Website:
<http://www.state.sgov.gov/p/nea/kuwait/>
